

RESPONSE AND REMARKS

Claim Rejections Under 35 U.S.C. §103(a)

The Office Action rejected Claims 1, 3, 4, 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Nicholls et al. (U.S. Patent No. 5,631,827; "Nicholls") in view of in view of Boucher et al. (U.S. Patent No. 6,976,007 "Boucher"). Office Action, Topic No. 5, p. 3.

Claim 2 was rejected in the Office Action as being unpatentable over Nicholls and Boucher as stated for Claim 1, and further in view of Kara et al. (U.S. Patent No. 6,233,568; "Kara"), and InterShipper (Newsbytes Article, "Internet Update"; "InterShipper"). Office Action, Topic No. 11, pgs. 4-5.

The Office Action rejected Claims 9, 10 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Nicholls and Boucher in view of Kara, UPS® Service Guide (www.ups.com; "UPS"), FedEx® Services (www.fedex.com; "FedEx"), InterShipper, and Barnett (U.S. Patent No. 6,369,840; "Barnett"). Office Action, Topic Nos. 14-20, pgs. 5-8.

Response of Office Action to Previous Amendments and Responsive Remarks

The Office Action stated that the affidavit filed with Applicants' previous response was "... ineffective to overcome the InterShipper and Barton references." Office Action, Topic No. 2, p. 2.

Telephone Interview Summary

In a telephone interview on November 2, 2009, the Examiner indicated that a statement in Applicants' previous response as described further below had been misunderstood.

The November 2, 2009 telephone interview with the Examiner is gratefully acknowledged with appreciation.

As a result of the misunderstanding, the Office Action had found the filing of a copy of a previously-filed Declaration Under Section 131 to be ineffective to overcome the Claim rejections.

After clearing the misunderstanding, the Examiner suggested that Applicants file a brief Response to the Office Action dated September 1, 2009, summarizing the clarification of the misunderstanding as described further below.

Response Remarks Regarding the Previously-Filed Copy of a Previously-Filed Declaration Under Section 131

A Declaration by William W. Smith III Under 37 CFR §132 (the "Section 131 Declaration") was previously filed in support of a previously-filed Amendment and Response to an Office Action regarding the present application, dated March 17, 2008.

In rejecting the Claims, the previous Office Action for this application, dated March 17, 2009, as does the present Office Action, relies on U.S. Patent Application Publication No. 6,976,007 ("Boucher"; the reported filing date of which is October 4, 1999).

A copy of the above-mentioned, previously-filed Section 131 Declaration, as downloaded from the USPTO PAIR System, was included with the electronic filing of the Amendment and Response to the March 17 2009 Office Action. The Amendment and Response to the March 17 2009 Office Action, which is incorporated by reference in full as if fully stated here, referenced the copy of the previously-filed Section 131 Declaration and its Exhibits.

It is respectfully asserted that the previously-filed Section 131 Declaration establishes sufficient facts to substantiate the invention of the subject matter claimed in the present application prior to March 23, 1999, which is prior to October 4, 1999, the reported filing date of Boucher. Because the previous Office Action for this application, dated March 17, 2009, and the present Office Action, both rely on the Boucher reference in rejecting the Claims, in view of the reasons given in the previously-filed Amendment and Response to the March 17 2009 Office Action, it is therefore respectfully asserted that the Claims, as amended with the previously-filed Amendment

and Response to the March 17 2009 Office Action, and as listed herewith, are patentable over the cited references, and the application is in condition for allowance.

CONCLUSION

For the reasons given above, reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,
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